

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FROILAN RENTERIA,
 #1033690

Plaintiff,

vs.

HOWARD SKOLNIK, *et al.*,

Defendants.

2:10-cv-00931-PMP-LRL

ORDER

Plaintiff has submitted a *pro se* civil rights complaint. Plaintiff's application to proceed *in forma pauperis* is granted. (Docket #3). Based on the information regarding plaintiff's financial status in the application to proceed *in forma pauperis*, plaintiff is required to pay an initial installment of the filing fee pursuant to 28 U.S.C. §1915.

The grant of *in forma pauperis* status adjusts the amount of the filing fee that plaintiff must *prepay* -- plaintiff will be required to prepay an initial installment of \$28.60, if plaintiff's institutional account has a sufficient balance, instead of having to prepay the full \$350 filing fee for this action. The entire \$350 filing fee will, however, remain due from plaintiff, and the institution where plaintiff is incarcerated will collect money toward the payment of the full filing fee when plaintiff's

1 institutional account has a sufficient balance, pursuant to 28 U.S.C. §1915. Further, the entire \$350
2 filing fee will remain due and payable, and will be collected from plaintiff's institutional account,
3 regardless of the outcome of this action.

4 The court notes that in its preliminary review, plaintiff's complaint does not appear to
5 state any claims for which relief may be granted. If plaintiff should consider filing an amended
6 complaint prior to this court's screening, he is advised that a complaint pursuant to 42 U.S.C. § 1983
7 should set forth a concise statement of facts that demonstrate one or more violations of plaintiff's civil
8 rights.

9 **IT IS THEREFORE ORDERED** that plaintiff's application to proceed *in forma*
10 *pauperis* (docket #3) is **GRANTED**. Plaintiff Froilan Renteria, **Inmate No. 1033690**, will be permitted
11 to maintain this action to conclusion without prepayment of the full filing fee. However, plaintiff must
12 pay an initial installment of the filing fee in the amount of **\$28.60**. Plaintiff will not be required to pay
13 fees or costs, other than the filing fee, or give security therefor. This Order granting *in forma pauperis*
14 status shall not extend to the issuance and service of subpoenas at government expense.

15 **IT IS FURTHER ORDERED** that, even if this action is dismissed, or is otherwise
16 unsuccessful, the full filing fee shall still be due, pursuant to 28 U.S.C. §1915, as amended by the
17 Prisoner Litigation Reform Act of 1996.

18 **IT IS FURTHER ORDERED** that plaintiff shall have **thirty (30) days** from the date
19 of entry of this order to have the initial installment of the filing fee, in the amount stated above, sent to
20 the Clerk in the manner described below. Failure to do so may result in the immediate dismissal of this
21 action.

22 **IT IS FURTHER ORDERED** that the Clerk shall **SEND** plaintiff two copies of this
23 Order. Plaintiff must make the necessary arrangements to have one copy of this Order, attached to a
24 check in the amount of the initial installment of the filing fee, sent to the Court, by sending a copy of the
25 Order with a "brass slip" to Inmate Services for issuance of the check.

26 **IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. §1915, as amended by the

1 Prisoner Litigation Reform Act of 1996, the Nevada Department of Corrections shall pay the Clerk of
2 the United States District Court, District of Nevada, 20% of the preceding month's deposits to plaintiff's
3 account (in months that the account exceeds \$10.00), until the full \$350 filing fee has been paid for this
4 action. **The Clerk shall send a copy of this order to Albert G. Peralta, Chief of Inmate Services,**
5 **Nevada Department of Prisons, P.O. Box 7011, Carson City, NV 89702.**

6 **IT IS FURTHER ORDERED** that the Clerk **SHALL SEND** to plaintiff the approved
7 forms for filing a civil rights lawsuit under 42 U.S.C. §1983.

8 **IT IS FURTHER ORDERED** that if plaintiff chooses to file an amended complaint,
9 he shall clearly title the amended complaint as such by placing the words "FIRST AMENDED"
10 immediately above "Civil Rights Complaint Pursuant to 42 U.S.C. § 1983" on page 1 in the caption, and
11 plaintiff shall place the case number, **2:10-CV-00931-PMP-LRL**, above the words "FIRST
12 AMENDED" in the space for "Case No."

13 **IT IS FURTHER ORDERED** that if plaintiff chooses to file an amended complaint,
14 he shall file it within **thirty (30) days** from the date that this Order is entered. The amended complaint
15 must be a complete document in and of itself, and will supersede the original complaint in its entirety.
16 Any allegations, parties, or requests for relief from prior papers that are not carried forward in the
17 amended complaint will no longer be before the court.

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20 DATED this 26th day of August, 2010.

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22 UNITED STATES MAGISTRATE JUDGE
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